

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD**

**Final MINUTES
April 22 – 25, 2002**

**(Key: MSC = Motion made, seconded, carried)
(MSF = Motion made, seconded, failed)**

The regular meeting of the Idaho Outfitters and Guides Licensing Board was called to order at 8:00 AM, Monday, April 22, 2002 in the Boardroom, 1365 North Orchard, Room 172, Boise, Idaho. Board Chairman Wayne Hunsucker, Vice Chairman Scott Farr and members Ray Lyon, Bill Bernt, and Will Judge were in attendance. Also present Executive Director Dean Sangrey.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon-Judge) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 8:10 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) AT 5:40 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Don Dethorne, Guide License: Don Dethorne appeared to discuss issues regarding his 1999 violation of F&G regulations. MSC (Farr-Judge) TO ISSUE LICENSE UNRESTRICTED.

PERSONNEL ACTION: MSC (Judge-Lyon) TO HIRE JAKE HOWARD TO FILL THE EXECUTIVE DIRECTOR POSITION AT A STARTING SALARY OF \$45,000 AND TO INCLUDE A PERFORMANCE EVALUATION AT THE DECEMBER IOGLB MEETING FOLLOWED BY A REVIEW AT THE APRIL 2003, IOGLB MEETING.

Meeting recessed at 6:10 PM and reconvened at 8:10 AM, Wednesday, April 23, 2001 with all members present. Also present were Executive Director Dean Sangrey, New Executive Director Jake Howard and Board Counsel Steve Scanlin.

STAFF REPORTS: Steve Scanlin, Board Counsel - Mr. Scanlin provided an overview of the Multi-State Administrators Meeting including topics covered, and issues discussed. The meeting was organized by the Colorado Office of Outfitters Registration and was held in Grand Junction on April 18-19. Representatives from Colorado, Idaho, Wyoming, Montana, and New Mexico attended the meeting. Mr. Scanlin also discussed recent finalization of Board rules by the legislature and status of rule and code book.

Heavens Gate Outfitters, Mr. Darwin Vander Esch - Show Cause Hearing: Commenced @ 9 am. Outfitter Darwin Vander Esch had been cited to appear before the Board related to alleged six violations of the Idaho Outfitter and Guides Act. These violations include unethical/ unprofessional conduct, breach of contract, violation of U. S. Forest Service Regulations, and operation outside his assigned operating area. These

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES – APRIL 22 - 25, 2002**

charges resulted from investigation of clients and private citizen complaints, and receipt of information from other agencies.

Steve Tobiason, represented the Board, Mr. Vander Esch represented himself. The respondent stipulated to Counts V& VI in an Alford Plea arrangement made between Mr. Tobiason and Mr. Vander Esch. - MSC (LYON-BERNDT) TO ACCEPT AN ALFORD PLEA ON THOSE COUNTS AND TO (**FROM BOARD ORDER**)

Recessed for lunch @ 12:00 noon. Reconvened @ 1:30 with all members present. Also present were Executive Director Dean Sangrey, Incoming Executive Director Jake Howard and Board Counsel Steve Scanlin.

Recessed @ 6:45 PM - Reconvened @ 8:00 AM Wednesday, April 24, 2001 - All members present. Also present were Executive Director Dean Sangrey, Incoming Executive Director Jake Howard and Board Counsel Steve Scanlin.

Ray and Nancy Kagel - Sentinel Rock Outfitters: The Kagels appeared before the IOGLB Board to renew their ongoing interest in being considered for hunting authority in portion on unit 30A. They made reference to extensive background effort, letters, and support from IDFG Commissioner Roy Moulton, etc. The board was told that Commissioner Moulton appears to support the idea and disagrees with Jim Lukens, Region 7 Supervisor. The Kagels ask for the Board's to support this idea. The Board recommended that Kagels solicit and obtain formal support from USFS Salmon Office. The Board recommended that a meeting could be conducted with IDFG/BLM/USFS to review options.

John R. Jones - Show Cause Hearing: Mr. Jones had been cited to appear in a show cause hearing related to his alleged unprofessional and unethical conduct while operating a power boat in Hells Canyon in the vicinity of Salmon Bar. Mr. Jones was conducting a guided powerboat excursion for his employer Beamers Landing, and allegedly operated his vessel in an unsafe manner that endangered the safety of clients of Holiday River Expeditions participating on a float trip. Mr. Jones had been cited by the state of Oregon for violation of their state boating regulations and pled guilty, paying a \$200 fine.

Howard Neill, Attorney from Pullman, WA, represented Jones. Steve Tobiason represented the IOGLB. Mr. Tobiason described the issues and the essence of the complaint.

Discrepancies were noted in content of hearing notice. Neill brought these to Board's attention and requested that charges be dismissed. Tobiason responded along with Scanlin and MSC (Members) DENIED DISMISSAL.

AT THE IOGLB'S REQUEST, MR. GAGER AGREED TO PROVIDE TWO UNEDITED COPIES OF THE VHS RECORDING TO IOGLB FOR FURTHER REVIEW.

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES – APRIL 22 - 25, 2002**

MSC (FARR/JUDGE) DUE TO INSUFFICIENT EVIDENCE THAT A VIOLATION OCCURRED NO FORMAL ACTION WILL BE TAKEN. HOWEVER, THE BOARD WILL SEND RESPONDENT A LETTER OF CONCERN BY IOGLB EXECUTIVE DIRECTOR TO INCLUDE: A. RESPONDENT SHOULD USE CAUTION AND USE GOOD JUDGMENT WHEN ENCOUNTERING FLOAT BOAT GROUPS. B. RESPONDENT DEMONSTRATED A LACK OF GOOD JUDGMENT AND DEMONSTRATED A POOR ATTITUDE TOWARDS THE BOARD AND THE FLOAT GROUP. FOLLOWING THE INCIDENT HE SHOULD HAVE CONTACTED THE FLOAT BOAT GROUP AND THE FLOAT OUTFITTER TO EXPLAIN HIS SITUATION AND TO SHOW HIS CONCERN FOR THE FLOAT BOAT GROUP.

Ashton Ranger District Caribou/Targhee National Forest Mountain Bike Proposal: Permit Manager for the Caribou/Targhee National Forest appeared before the IOGLB in support of three proposals for commercial mountain bike services in the forest. Appropriate steps were taken to public advertise the business opportunities and three applications were received. No formal IOGLB action was required but the IOGLB supported the licensing of the three applicants as submitted.

Recessed @ 5:50 PM - Reconvened @ 7:30 AM, Wednesday, April 25, 2001 - All members present

MSC (BERNDT/JUDGE) - ADDITIONAL EXPENSES FOR RAY LYON'S TO ASSIST THE NEW DIRECTOR DURING TRANSITION WERE APPROVED WITH NO LIMITS SET.

Jeff Sabatino - Guide Application Review: IOGLB reviewed court records etc., asked several questions about current alcohol use, parole, history of drinking problems, participation in substance abuse treatment programs. MSC (JUDGE/LYON) APPROVE LICENSE PROBATIONARY FOR ONE YEAR WITH USUAL TERMS OF PROBATION TO APPLY.

STAFF REPORTS: Dean Sangrey, Executive Director: Licensing Status Report – Director Sangrey reported on the current status of licensing activity as of April 19 the Board has issued 245 outfitter, 184 designated agent, and 297 guide licenses so far for the 2002-2003 license year. These figures compare with 156, 119, and 187 respectively for the same period in 2001. The total number of licenses issued for the 2001-2002 license year was 434 outfitter, 299 designated agent, and 2,116 guides. **Outfitter License Renewal Program –** Outfitter license renewals were mailed in January and the process is running smoothly with the first group of returns running about normal during the month of February. **Training/Law Enforcement -** Presently, Head of Training and Enforcement, Mike Best, is home recovering from back surgery. He is planning to return to work in three to four weeks on part time basis as his strength improves. Currently, the Bureau has 70 active cases. The following is a numerical analysis of the active by year.

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES – APRIL 22 - 25, 2002**

1998 - 1
1999 - 4
2000 - 13
2001 - 39
2002 - 13

The Bureau, because of a previous moratorium was able to hold down expenses and is starting to release cases to agents and investigators with limitations. Cases are from complaints concerning bear hunts and river fishing. **Allocation Process Update:** Process continues to be operating smoothly as the result of Leanne Fluke's management. The controlled permit allocation has begun.

Grant Simonds & Joseph Peterson: Mr. Simonds and Mr. Peterson made a presentation regarding recommendations from a Task Force comprised of members of the Idaho Outfitters and Guides Licensing Board, the Idaho Department of Fish and Game, the Idaho Outfitter and Guides Association and state sportsmen regarding turkey hunting opportunities. MSC (BERNT-JUDGE) THAT DIRECTOR HOWARD WORK TO DEVELOP AN APPROPRIATE SCHEDULE AND LIST OF ALTERNATIVES TO BE PROVIDED DURING IOGLB SCOPING MEETINGS REGARDING INPUT ON OPTIONS FOR OUTFITTERED TURKEY HUNTING.

Quad Ventures, Inc., Brian Hell - Denial Hearing Regarding Outfitter License Application: Director Sangrey had denied the application based on background information related to a felony conviction in the state of Washington. After a hearing during which the Applicant appeared and was represented by Counsel, Steven Fender, Attorney at Law, it WAS MSC (FARR/LYON) APPROVAL OF LICENSE WITH THE APPLICANT'S LICENSE BE PLACED ON PROBATION WITH THE USUAL TERMS OF PROBATION FOUND IN BOARD RULE 068.03 FOR A TERM TO COINCIDE WITH THE PERIOD OF HIS FEDERAL PROBATION.

Financial report presented by Director Sangrey - MSC (LYON/BERNT) IT WAS APPROVED AS PRESENTED.

February minutes - MSC (FARR/JUDGE) TO APPROVE THE FEBRUARY MINUTES AS PRESENTED.

Beshunsky DA Application - MSC (JUDGE/LYON) APPROVE PROBATION WITH USUAL TERMS OF PROBATION FOR THE 2002 - 2003 YEAR.

Don Vogel petition for CL2 Extension - MSC TO DENY PETITION TO EXTEND SECTION.

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES – APRIL 22 - 25, 2002**

MSC (LYON/BERNT) TO MOVE THE BOARD INTO EXECUTIVE SESSION @ 3:00, MSC (LYON/JUDGE) OUT OF EXECUTIVE SESSION @ 3:30 WITH NO DECISIONS MADE.

Heavens Gate Outfitters, Mr. Darwin Vander Esch - Show Cause Hearing: MSC (LYON/BERNT); THAT THE BOARD HEREBY ORDERS THE FOLLOWING REGARDING OUTFITTER DARWIN VANDER ESCH WHO APPEARED BEFORE THE BOARD ON APRIL 23:

1. ON COUNT I, THE RESPONDENT SHALL REFUND THE SUM OF ONE THOUSAND DOLLARS (\$1,000) TO EACH CLIENTS WITHIN THIRTY (30) DAYS OF THE DATE OF RECEIPT OF THE ORDER.
2. ON COUNT II, THE RESPONDENT IS TO BE ISSUED A LETTER OF ADMONITION THAT HE CONDUCT HIMSELF IN A PROFESSIONAL MATTER AT ALL TIMES WHEN DEALING WITH MEMBERS OF THE PUBLIC.
3. THE VIOLATION CONTAINED IN COUNT III HAD BEEN ADJUDICATED WITH THE U.S. FOREST SERVICE PREVIOUSLY. THE BOARD TAKES NOTICE OF THIS ACTION AND CONSIDERS IT SUFFICIENT TO ADDRESS THIS COUNT.
4. COUNT IV IS HEREBY DISMISSED.
5. ON COUNTS V AND VI, RESPONDENT IS HEREBY PLACED ON PROBATION FOR A PERIOD OF ONE (1) YEAR FOR THE PERIOD OF ONE YEAR, THAT IS FOR HIS 2002-2003 LICENSE YEAR WITH THE USUAL TERMS OF PROBATION TO APPLY.

MSC (LYON/BERNT) TO MOVE THE BOARD INTO EXECUTIVE SESSION @ 4:12, MSC (LYON/JUDGE) OUT OF EXECUTIVE SESSION @ 4:25 WITH NO DECISIONS MADE.

A Rule 53 wavier was discussed with no action taken. This matter will be brought up at the next board meeting.

MSC (JUDGE/FARR) BASED ON SIGNIFICANT FISH RETURNS, THE BOARD APPROVES A TEMPORARY (ONE YEAR) EXTENSION FOR 3 POWER BOATS FOR EVELYN KAIDE ON CL3 WITH REVOCATION POSSIBLE SHOULD EXTENSION CREATE PROBLEMS.

With no further business to come before the Board, the meeting was adjourned at 5:30 PM April 25.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES – APRIL 22 - 25, 2002**

JAKE HOWARD, EXECUTIVE DIRECTOR